11-15 a.m. Mr. ABDUL HAMID KHAN :—" From the answer given by the hon. the Home Member, one has to understand that the Labour Commissioner is not to interfere in cases where either the labour or the company is wrong. May I know from the hon. the Home Member if such an occasion arose, is it not the duty of the Labour Commissioner to interfere on behalf of either of the parties ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" I am afraid it is a hypothetical question."

Mr. S. SATYAMURTI :—" In answer to the supplementary question by my hon. Friend from Bellary, the Government referred him to this communiqué. Referring to that communiqué issued by the Government on the 31st August 1928, may I know whether the facts related in paragraph 6 of that communiqué were ascertained by the Government over the head of the Labour Commissioner or whether the Labour Commissioner wrote or put himself in communication with the Railway authorities or the Labour authorities ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" I want notice, Sir."

Mr. G. HARISARVOTTAMA RAO :—" May I know whether the Labour Commissioner did not attempt to do anything more than attempt at arbitration and whether he moved no further than that ? May I know if that is what the Labour Commissioner did in this matter ? "

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" The Labour Commissioner was ready to intervene if both the parties agreed, but there was not agreement between the parties."

Police

Alleged motor crash near Trichinopoly.

*362 Q.—Mr. J. A. SALDANHA : Will the hon. the Home Member be pleased to place before the Council a full report about the crash near Trichinopoly between a railway train engine and a bus, showing the circumstances under which the crash took place, the number of the injured and killed, the part taken by the police, the circumstances under which and the reasons for which the Police are alleged to have attacked and fired on the mob that had gathered, and the number killed and injured as a result of such firing ?

A.—On the 20th July 1928, the general strike of the menials of the South Indian Railway began. As a result of it, keepers of railway gates between Trichinopoly Junction and Trichinopoly Fort and Trichinopoly Junction and Golden Rock stations deserted their posts. Some Anglo-Indians were temporarily put to man these gates but the mob interfered with them. The Railway Administration could not find any one to work the gates and therefore had to remove them. One of these gates so removed was at Comerford level crossing between Trichinopoly Junction and Palakarai stations.

8th October 1928]

On 25th July 1928 at about 2–30 p.m., a light engine going from Trichinopoly Junction to Trichinopoly Fort collided with a motor bus at the above level crossing. As a result of the accident, all the occupants of the bus (five passengers, the conductor, the driver and the booking clerk of the bus) died, four on the spot and four in the hospital. The bus was burnt.

The Railway Administration had given notice of the removal of gates to all the engine-drivers concerned and had told them to approach level crossing gates cautiously and to be prepared to stop in the event of an obstruction. At the time of the accident, the light engine was running at only ten miles an hour. The position of this particular level crossing was such that the engine crew could not see whether a vehicle was coming from the road to the level crossing until the engine was about fifty yards from it. The engine crew were actually looking out of the engine when it approached the level crossing but did not see any motor bus.

The District Magistrate of Trichinopoly held an enquiry into this collision under rule 20 of the rules framed under section 84 of the Indian Railways Act, 1890. At that enquiry the proprietor of the motor bus in question deposed that his driver was aware of the removal of the gate. Other witnesses examined stated that the bus was travelling very fast, that one of them did caution the bus to stop but that the driver did not heed his caution. The conclusion arrived at by the District Magistrate was that the driver of the light engine was not responsible for the accident, that the driver of the bus was to blame and that he could have averted the accident if he had taken ordinary precautions.

Soon after the accident, a large mob collected and immediately began to demonstrate its hostility towards the driver and the firemen of the engine. Both of them were assaulted by the mob whose expressed intention was to burn the driver alive in the fire of the engine which he had dared to drive during strike time, thus, according to the judgment of the mob, causing the fatality. Some members of the mob actually carried the driver to the fire box of the engine—meaning to burn him alive. It was only the pluck of a railway constable, the help rendered by Mr. Muhammad Mian Ravuttar, a merchant and a municipal councillor, and his men and the timely arrival of a party (30 men) of police under the District Superintendent of Police which prevented the mob from carrying out this design. The mob also heavily stoned the engine and removed rails to prevent its returning to Trichinopoly Junction.

The number of the mob was variously estimated between 2 and 10 thousand. The mere sight of the small body of police trying to clear their way through the crowd towards the engine infuriated the mob still more. The police party was completely surrounded and pelted with stones. An attempt was made to snatch a carbine from the hands of one of the constables. The District Superintendent of Police tried to keep back the crowd by using his fists but this was of no avail. The situation was critical and the District Superintendent of Police ordered his men to open fire and he himself had to use his pistol. Altogether eleven shots were

fired. So far as is known, two persons (according to one witness three) were injured by the police firing but none were killed or seriously injured. The District Superintendent of Police ordered the fire to cease as soon as his party was safe from immediate attack by the crowd. The police had succeeded in checking the crowd and preventing them from lynching the engine crew; their force, however, was insufficient to disperse the crowd which was essential if the peace was to be preserved and the line restored and wreckage removed. The attitude of the crowd continued menacing, and the District Superintendent of Police found it necessary to fetch reinforcements. While leaving for this purpose, his car was surrounded and pelted with stones. On his return with additional men, the number of the crowd had increased and several charges had to be made before the mob was dispersed and the situation brought under control. The District Magistrate of Trichinopoly held a magisterial enquiry into the shooting. The conclusions arrived at were that the mob was intent on murder, that the police handled the situation with great promptness and without undue severity in the most judicious manner possible under the circumstances, that the firing on the mob was fully justified, that it was done with discrimination and was stopped as soon as it became unnecessary.

Mr. J. A. SALDANHA :—" May I know whether in regard to what is stated in their reply, viz., 'so far as is known, two persons (according to one witness three) were injured by the police firing but none were killed or seriously injured', is it a fact that as reported at that time, the Government have ascertained since then that at least one man was killed and many were injured ?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" No, Sir, it is not a fact."

Rao Bahadur C. S. RATNASABAPATHI MUDALIYAR :—" In paragraph 3 of the answer it is stated that 'the position of this particular level crossing was such that the engine crew could not see whether a vehicle was coming from the road to the level crossing until the engine was about fifty yards from it'. May I know, Sir, whether the engine crew whistled the engine ?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" I do not know, Sir."

Rao Bahadur C. S. RATNASABAPATHI MUDALIYAR :—" May I know if any constable was posted at that spot to regulate traffic, knowing that the position of the level crossing was difficult and that the gates had already been removed ?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—" I want notice, Sir."

Cost of the Police aid to the South Indian Railway Company during the strike.

* 363 Q.—Mr. S. SATYAMURTI : Will the hon. the Home Member be pleased to state—

(a) the extent and cost to the provincial exchequer of the services rendered by the police to the South Indian Railway Company during the recent railway strike ;